

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION

UNITED STATES OF AMERICA * CRIMINAL ACTION
 * NUMBER 06-MJ-1049
 * merged with
 * CRIMINAL ACTION
vs. * NUMBER 07-10030-01
 *
 * November 19, 2007
 * 2:40 p.m.
RICHARD L. McNAIR * Pollock, Louisiana
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* * * * *

DETENTION HEARING AND PRELIMINARY EXAMINATION

Certified transcript of proceedings before the Honorable
James D. Kirk, United States Magistrate Judge.

APPEARANCES:

FOR THE GOVERNMENT: James G. Cowles, Jr.
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 Shreveport, Louisiana 71101-3068

FOR THE DEFENDANT: Wayne J. Blanchard
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Proceedings recorded by mechanical stenography, transcript
produced by computer.

1 THE COURT: For the record, I'm James D. Kirk.
2 I'm a United States Magistrate Judge. We're here for a
3 probable cause and detention hearing with regard to Mr.
4 McNair. This is Criminal Docket Number 06-MJ-1049.

5 Government make its appearance for the record, please.

6 MR. COWLES: Yes, sir. Jim Cowles on behalf of
7 the United States.

8 THE COURT: Mr. Blanchard.

9 MR. BLANCHARD: Wayne Blanchard for Richard
10 McNair, Your Honor.

11 THE COURT: All right. And let the record
12 reflect Mr. McNair is there with you, and you-all may be
13 seated.

14 Madam Clerk, would you swear Mr. McNair to tell the
15 truth, please?

16 (Defendant sworn.)

17 THE COURT: You can have a seat now, Mr. McNair.

18 At this point, we have, to my knowledge, Mr. Cowles, a
19 criminal complaint. There's been no indictment or bill of
20 information filed.

21 MR. COWLES: Correct. It's just on a complaint
22 at this time.

23 THE COURT: All right. Mr. McNair, you are
24 charged by criminal complaint with a violation of 18 U.S.C.
25 Section 751, which is escape from confinement.

1 You may sit down, if you'd like.

2 The maximum possible penalty is five years in prison,
3 a \$250,000 fine, a \$100 Criminal Victim Fund assessment,
4 one year minimum to five years maximum probation, up to
5 three years supervised release.

6 I advise you that your arraignment will be scheduled
7 if and when there is an indictment or a bill of information
8 filed against you. You will be reminded at that time of
9 these penalties as well.

10 You also have a right to a preliminary examination
11 because of the fact that no indictment or bill of
12 information has yet been filed against you.

13 Mr. Blanchard, it's my understanding your client
14 wishes to waive that right.

15 MR. BLANCHARD: He is going to waive the
16 preliminary examination, that's correct, Your Honor.

17 THE COURT: Is that correct, Mr. McNair?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: All right. That brings us, then, to
20 the last thing which is the detention hearing.

21 MR. BLANCHARD: He's also going to waive the
22 detention hearing, Your Honor.

23 THE COURT: All right. Mr. McNair, is that also
24 your wish?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: All right. Then in that event, we
2 will wait until such time as there's an indictment or bill
3 of information and proceed with an arraignment at that
4 point.

5 Is there anything further, Mr. Cowles?

6 MR. COWLES: No, sir.

7 THE COURT: Mr. Blanchard?

8 MR. BLANCHARD: No, Your Honor.

9 THE COURT: All right. Thank you-all. Court is
10 adjourned.

11 (End of proceedings at 2:43 p.m.)

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C E R T I F I C A T E

I, Myra Primeaux, Official Court Reporter, do hereby certify that the foregoing pages numbered 1 through 4 do constitute a true and correct record of proceedings had in said Detention Hearing and Preliminary Examination to the best of my ability and understanding.

I certify that the transcript fees and format comply with those prescribed by the court and the judicial conference of the United States.

Subscribed and sworn to this 8th day of March, 2009.

s/ Myra Primeaux

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